

# Time and Notice Requirements

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## 8.1 General Rule in Family Division Proceedings

A summons\* is required for trials, and it must be personally served on the juvenile and the parent or person with whom the juvenile resides. MCR 5.920(B)(2).

\*See Form JC 20.

A notice of hearing\* may be used for all other proceedings. MCR 5.920(A).

\*See Form JC 45.

There are three exceptions to this general rule. First, if a prior court appearance was in response to a service by summons, notice of trial may be done by notice of hearing instead of by summons. MCR 5.920(F). Second, after a party's first appearance, subsequent notices of hearing may be served on the party or on the party's attorney. MCR 5.920(F). Third, substituted service is appropriate in limited circumstances where personal service is impracticable or cannot be achieved. MCR 5.920(B)(4)(b)–(c).

**NOTE:** A variety of practices exist among courts as to their use of summonses. Many courts use a summons for pretrial conferences and notices of hearing for trials.

## 8.2 Persons Entitled to Notice in Family Division

The petitioner must be notified of the first hearing on the petition, and the following persons must be notified of each hearing:

- (1) the juvenile;

(2) the parent or guardian of the juvenile;

(3) the guardian ad litem of a party appointed pursuant to these rules; and

(4) the attorney retained or appointed to represent the juvenile.

MCR 5.921(A)(1)–(4).

### **8.3 Special Notice Provisions for Noncustodial Parents**

MCR 5.921(C) provides that the minor’s mother or father who, because of divorce or legal separation, does not have legal custody must be notified of the first hearing on the petition. Subsequent notice need only be given when the noncustodial parent requests it. See MCR 5.903(A)(12) and (13) (definitions of “parent” and “party”). MCR 5.921(C) does not apply to a mother or father whose parental rights have been terminated.

### **8.4 Issuance and Service of Summons**

After a petition has been filed, the court may issue a summons briefly reciting the substance of the petition and requiring the person having custody or control of the juvenile, or with whom the juvenile may be, to appear personally with the juvenile before the court at the stated time and place. If the person summoned is other than the parent or guardian, then the parent or guardian, or both, must be notified of the time and place of the hearing by personal service. A summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary. MCL 712A.12; MSA 27.3178(598.12).

A summons may be issued and served on a party (petitioner, juvenile, and parent) before any proceeding in juvenile court. MCR 5.920(B)(1). The court shall direct the service of the summons in the following circumstances:

(a) The summons must be served on the parent or person with whom the juvenile resides, other than a court-ordered custodian, directing such person to appear with the juvenile for trial. If the person summoned is not the juvenile’s parent, the parent must be notified by service as provided in MCR 5.920(B)(4).\*

(b) In a delinquency proceeding, the juvenile must be summoned and personally served to appear for trial.

MCR 5.920(B)(2)(a)–(b).

\*See Section 8.4(B), below.

There are three exceptions to this general rule. First, if a prior court appearance was in response to a service by summons, notice of trial may be done by notice of hearing instead of by summons. MCR 5.920(F). Second, after a party's first appearance, subsequent notices of hearing may be served on the party or on the party's attorney. MCR 5.920(F). Third, substituted service is appropriate in limited circumstances where personal service is impracticable or cannot be achieved. MCR 5.920(B)(4)(b)–(c).\*

\*See Forms JC 46 and 47.

**NOTE:** Notice of trial may be given on the record at a hearing and the trial date included in the order following the hearing (e.g., juvenile and parent attend a pretrial hearing in response to a summons and are advised of the trial date on the record and in the order following the pretrial hearing). No notice of hearing form is used in such cases.

## A. Contents of Summons

The summons\* must direct the person to whom it is addressed to appear with the minor at a time and place specified by the court and must:

\*See Form JC 20.

- F identify the nature of the hearing;
- F explain the right to an attorney and to a trial by a judge or jury; and
- F have a copy of the petition attached to it.

MCR 5.920(B)(3)(a), (b), and (d).

## B. Manner of Service of Summons

MCR 5.920(B)(4)(a)–(d) discuss the manner of service:\*

\*See Forms JC 20, 12A, 12B, 32, 46, and 47.

- (a) Unless personal service of the summons is impracticable or cannot be achieved, the summons must be personally served.
- (b) If personal service of the summons is impracticable or cannot be achieved, the court may direct that it be served by registered or certified mail addressed to the last known address of the party, return receipt requested.
- (c) If the court finds that service cannot be made because the whereabouts of the person has not been determined after reasonable effort, the court may direct any manner of substituted service, including service by publication.
- (d) If personal service of a summons is unnecessary, the court may direct that it be served in a manner reasonably calculated to provide notice.

See also MCL 712A.13; MSA 27.3178(598.13) (statutory service provision), *In re Brown*, 149 Mich App 529, 534–42 (1986), and *In re Adair*, 191 Mich App 710, 713–15 (1991).

### C. Time Requirements for Service of Summons

MCR 5.920(B)(5)(a)–(c) provide that:

- (a) a summons must be personally served no later than seven days before trial or three days before a hearing;
- (b) if the summons is served by registered mail, it must be mailed at least 14 days before trial or 10 days before hearing when the party to be served resides in Michigan, and at least 21 days before the trial and 17 days before the hearing if the party resides outside of Michigan; and
- (c) if service is by publication, the published notice, which does not require publication of the petition itself, shall appear in a newspaper in the county where the party resides if known, and if not, in the county where the action is pending, one or more times 14 days before trial or 7 days before a hearing.

MCL 712A.13; MSA 27.3178(598.13), also contains certain time requirements for service of process, which differ from those contained in the court rule:

- F personal service must be effected at least 72 hours before the date of a hearing;
- F registered mail must be mailed at least five days before the date of hearing if the recipient is in-state and 14 days before the hearing if out of state; and
- F publication must be made once in some newspaper printed and circulated in the county where the court is located at least one week before the time fixed in the summons or notice for the hearing.

**NOTE:** Because time requirements are procedural, and because the time requirements in the court rule are somewhat longer, in some instances, than those contained in the statute, it is recommended that the time requirements in the court rule be followed. See MCR 1.104 (rules of practice in statute superseded by court rule).

### D. Subsequent Notices After a Failure to Appear

When persons whose whereabouts are unknown fail to appear in response to notice by publication or otherwise, the court need not give further notice by publication of subsequent hearings except a hearing on termination of parental rights. MCR 5.921(E).

## 8.5 Notices of Hearings

MCR 5.920(C)(1) requires notices of hearings to be given in writing or on the record at least 7 days prior to the hearing.\* However, when a juvenile is detained, notice of preliminary hearing or arraignment in a designated case must be given to the juvenile and to the parent of the juvenile as soon as the hearing is scheduled, and the notice may be in person, in writing, on the record, or by telephone. MCR 5.920(C)(2)(a).

\*See Forms JC 45 (delinquency case) and 67 (designated case).

**NOTE:** The general practice among courts is to use a summons at the start of a case, then to notify the parties of the next hearing date and time on the record at a hearing. If service is “short,” the court may obtain a written waiver of notice of hearing or service of process and give the requisite advice on the record. See Section 8.6, below.

When a party fails to appear in response to a notice of hearing, the court may order the party’s appearance by summons or subpoena. MCR 5.920(C)(4).\*

\*See Form JC 02 (police indicate method, date, and time of notification of parent or guardian).

## 8.6 Waiver of Notice of Hearing

If a party appears without having been properly served, that party may waive notice of hearing or service of process.\* A waiver may also be obtained when service of process was untimely. MCR 5.920(E) states that the waiver must be in writing and the party must be advised as set forth in MCR 5.920(B)(3) of:

\*See Form JC 23.

- F the nature of the hearing;
- F the right to counsel, retained or appointed; and
- F the right to trial by judge or jury.

## 8.7 Subpoenas

MCR 5.920(D)(1)–(3) state that:

- (1) The attorney for a party or the court on its own motion may cause a subpoena to be served upon a person whose testimony or appearance is desired.
- (2) It is not necessary to tender advance fees to the person served a subpoena in order to compel attendance.
- (3) Except as otherwise stated in this subrule, service of a subpoena is to be as provided in MCR 2.506.\*

\*See Form MC 11.

## 8.8 Subsequent Notices After First Appearance in Family Division

After a party's first appearance before the court, subsequent notices of proceedings and pleadings shall be served on that party or, if the party has an attorney, on the attorney for the party. Also, a summons must be served before trial unless a prior court appearance of the party in the case was in response to a service by summons. MCR 5.920(F).

## 8.9 Table of Time and Notice Requirements in Delinquency Cases

The following table contains time and notice requirements only; for contents of notices, see the appropriate sections. For waiver of notice requirements, see Section 8.6, above. To compute time periods, see MCR 1.108. For court holidays, see MCR 8.110(D).

**Table 1: Time and Notice Requirements in Delinquency Cases**

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Preliminary Inquiry</b>	May be conducted at any time. There is no notice requirement.	MCR 5.932(A). <b>See Sections 6.2 and 7.7</b>
<b>Consent Calendar Proceeding</b>	May be conducted at any time, with consent of juvenile and parent. No formal notice is required.	MCR 5.932(B). <b>See Section 6.4</b>
<b>Preliminary Hearing (When Juvenile Is in Custody)</b>	If juvenile is in custody, hearing must be held within 24 hours, excluding Sundays and holidays. As soon as hearing is scheduled, notice must be given in person, on record, or by phone to juvenile and his or her parent.  Hearing may be adjourned for up to 14 days to secure attendance of juvenile's parent or witnesses, or for other good cause shown.  Hearing may be adjourned for 5 days if juvenile is charged with a life offense.	MCR 5.935(A)(1) and 5.920(C)(2)(a). <b>See Sections 7.11 and 8.5</b>  MCR 5.935(A)(2). <b>See Section 7.11</b>  MCR 5.935(A)(3). <b>See Section 7.12</b>
<b>Preliminary Hearing (When Juvenile Is Not in Custody)</b>	If juvenile is not in custody, there is no time requirement. However, at least 7 days' notice in writing or on record must be given to juvenile, parent or guardian, attorney, and petitioner.	MCR 5.920(C)(1) and 5.921(A). <b>See Sections 7.13 and 8.5</b>

Table 1: Time and Notice Requirements in Delinquency Cases

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Diversion Conference</b>	The Juvenile Diversion Act may be used prior to the authorization of a petition. Law enforcement official or court intake worker must notify juvenile and his or her parent, guardian, or custodian of the time and place of a proposed diversion conference.	MCL 722.823(1); MSA 25.243(53)(1), and MCL 722.825(1); MSA 25.243(55)(1). <b>See Sections 6.1 and 6.3(B) and 6.3(F)</b>
<b>Motion for “Traditional” Waiver</b>	Motion must be filed within 14 days after petition is filed. Absent timely motion or good cause shown, juvenile is no longer subject to waiver on the charges.  A copy of motion must be personally served on the juvenile and his or her parent, if their addresses or whereabouts are known or can be determined by the exercise of due diligence.	MCR 5.950(A)(1). <b>See Section 24.4</b>  MCR 5.950(A)(2). <b>See Section 24.6</b>
<b>First Phase of “Traditional” Waiver Hearing</b>	Hearing must be commenced within 28 days after petition is filed unless adjourned for good cause.  7 days’ notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile’s attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.	MCR 5.950(B)(1)(a). <b>See Section 24.11</b>  MCR 5.950(B), 5.921(A), and 5.920(C)(1). <b>See Sections 8.5 and 24.6(B)</b>
<b>Second Phase of “Traditional” Waiver Hearing</b>	Hearing must be commenced within 28 days after conclusion of first phase, or 35 days after petition is filed if no first-phase hearing was held, unless adjourned for good cause. MCR 5.950(B)(2)(b).  7 days’ notice of the time, date, and place of hearing must be given. Notice may be given on the record directly to the juvenile or to the juvenile’s attorney, the prosecuting attorney, and all other parties, or in writing, served on each individual.	MCR 5.950(B)(2)(b). <b>See Section 24.15</b>  MCR 5.950(B), 5.921(A), and 5.920(C)(1). <b>See Sections 8.5 and 24.6(B)</b>

**Table 1: Time and Notice Requirements in Delinquency Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Trial After Motion for “Traditional” Waiver Denied</b>	Juvenile must be released from detention if trial has not started within 28 days after motion for waiver is denied and the delay is not attributable to the defense.	MCR 5.950(D). <b>See Section 24.22</b>
<b>Demand for Jury Trial</b>	Written demand for jury trial shall be filed within 14 days after court gives notice of the right to jury trial or 14 days after the filing of appearance of counsel, whichever is later, but no later than 7 days before trial. The court may excuse a late filing in the interest of justice.	MCR 5.911(B). <b>See Sections 9.2 and 11.3</b>
<b>Demand for Trial by Judge (Rather Than Referee)</b>	Written demand for trial by judge rather than referee shall be filed within 14 days after court gives notice of the right to trial by a judge or 14 days after the filing of appearance of counsel, whichever is later, but no later than 7 days before trial. The court may excuse a late filing in the interest of justice.	MCR 5.912(B). <b>See Sections 9.2 and 11.4</b>
<b>Notice of Alibi or Insanity-Type Defenses and Notice of Rebuttal by Prosecuting Attorney</b>	<p>Written notice of juvenile’s intent to rely on defense must be given to the court and prosecutor within 21 days after notice of the trial date has been given to juvenile, but no later than 7 days before trial.</p> <p>Written notice of the prosecutor’s intent to rebut defense must be given to the court and juvenile within 7 days after receipt of notice of defense, but no later than 2 days before trial. MCR 5.922(B)(2).</p>	<p>MCR 5.922(B)(1). <b>See Section 9.4</b></p> <p>MCR 5.922(B)(2). <b>See Section 9.4</b></p>

**Table 1: Time and Notice Requirements in Delinquency Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Motions to Suppress Evidence</b>	<p>Motion must be filed within 7 days of trial or, in court's discretion, at trial.</p> <p>Personal service of motion must be made at least 7 days before hearing, and of the response within 3 days before hearing. If service is by mail, add 2 days to these deadlines. For good cause, court may set different periods for filing and serving motions.</p> <p>7 days' written or record notice of the hearing date must also be given to the juvenile, juvenile's attorney, juvenile's parent or guardian, and prosecutor.</p>	<p>MCR 5.922(C). <b>See Section 9.7</b></p> <p>MCR 5.922(C), 5.920(C)(1), 2.119(C). <b>See Sections 8.5 and 9.7(A)</b></p> <p>MCR 5.921(A), 5.920(C)(1). <b>See Section 8.5</b></p>

**Table 1: Time and Notice Requirements in Delinquency Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Trials</b>	<p>In all cases, trial must be held within 6 months after filing of the petition, unless adjourned for good cause. If juvenile is detained, trial has not commenced within 63 days after juvenile was taken into custody, and the delay is not attributable to the defense, juvenile must be released without bail pending trial.</p> <p>7 days' written or record notice to juvenile, attorney, parent or guardian, and prosecutor.</p> <p>Unless a prior court appearance was in response to service by summons, the court must direct service of summons on juvenile and his or her parent or the person with whom juvenile resides other than court-ordered custodian. If the person with whom juvenile resides is not a parent, parent must be served with notice in same manner and time as a summons.</p> <p>Personal service is required at least 7 days before trial. If personal service is impracticable or cannot be achieved, the court may direct service by registered or certified mail to the last known address of a party, return receipt requested, sent at least 14 days before trial, or 21 days if the person is not a Michigan resident.</p> <p>Substituted service, including by publication, permitted if service cannot be made because the whereabouts of person has not been determined after reasonable effort.</p>	<p>MCR 5.942(A). <b>See Section 11.17</b></p> <p>MCR 5.921(A), 5.920(C)(1). <b>See Section 8.5</b></p> <p>MCR 5.920(F), 5.920(B)(4). <b>See Sections 8.4 and 8.8</b></p> <p>MCR 5.920(B)(4)(a)–(b) and 5.920(B)(5)(a)–(b). <b>See Sections 8.4(B) and 8.4(C)</b></p> <p>MCR 5.920(B)(4)(c) and 5.920(B)(5)(c). <b>See Sections 8.4(B) and 8.4(C)</b></p>

Table 1: Time and Notice Requirements in Delinquency Cases

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Dispositions</b>	<p>The time between adjudication or plea and disposition is within the court's discretion. However, if juvenile is detained, disposition hearing must be held within 35 days after plea or trial, unless adjourned for good cause.</p> <p>7 days' written or record notice to juvenile, attorney, parent or guardian, and prosecutor.</p>	<p>MCR 5.943(B). <b>See Section 12.5</b></p> <p>MCR 5.921(A), 5.920(C)(1). <b>See Section 8.5</b></p>
<b>Dispositional Review Hearings When Juvenile Is in Foster Care</b>	<p>If juvenile is in foster care, hearing must be held within 182 days after entry of the disposition order, and within every 182 days thereafter.</p> <p>7 days' written notice to agency, foster parent or custodian, parent, guardian, guardian ad litem, elected Indian tribe leader (if applicable), attorney, juvenile (if older than age 11), prosecutor, and other persons as court directs.</p>	<p>MCR 5.944(E). <b>See Section 15.4</b></p> <p>MCL 712A.19(5); MSA 27.3178(598.19)(5). <b>See Section 15.4(A)</b></p>
<b>Review of Referee's Recommended Findings and Conclusions</b>	<p>Request for review must be filed within 7 days after the conclusion of the hearing forming the basis for review, and a response may be filed within 7 days after the filing of the request for review.</p> <p>Absent good cause for delay, the judge must consider the request within 21 days after it is filed if juvenile is in placement or detention.</p>	<p>MCR 5.991(B)(3). <b>See Sections 13.5 and 13.6</b></p> <p>MCR 5.991(C). <b>See Section 13.7</b></p>
<b>Progress Reviews for Juveniles Committed to Public Institutions or Agencies</b>	<p>Court must review the progress of juvenile no later than 182 days after entry of order of commitment and semiannually thereafter.</p>	<p>MCR 5.944(C)(2) <b>See Section 15.6(A)</b></p>

**Table 1: Time and Notice Requirements in Delinquency Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Annual Reviews for Juveniles Committed to Public Institutions or Agencies</b>	Court must conduct an annual review of the services provided to the juvenile, the juvenile's placement, and the juvenile's progress in the placement.	MCL 712A.18c(3); MSA 27.3178(598.18c)(3). <b>See Section 15.6(B)</b>
<b>Commitment Review Hearings for Juveniles Committed to Public Institutions or Agencies</b>	<p>Court must schedule hearing within 42 days of juvenile's 19th birthday, unless adjourned for good cause.</p> <p>Hearing may be held at any time on motion of institution, agency, or facility to which juvenile has been committed.</p> <p>Notice must be given to the prosecutor, agency or superintendent of institution or facility to which juvenile has been committed, juvenile, and juvenile's parent (if address or whereabouts are known) at least 14 days prior to the hearing.</p>	<p>MCR 5.944(D)(3). <b>See Section 15.7(B)</b></p> <p>MCR 5.944(D)(4). <b>See Section 15.8</b></p> <p>MCR 5.944(D)(2). <b>See Section 15.7(C)</b></p>
<b>Probation Violation Hearings</b>	<p>Court must schedule hearing within 42 days after the filing of a supplemental petition.</p> <p>If the juvenile is detained, notice of the hearing may be given to juvenile and his or her parent as soon as the hearing is scheduled, in person, in writing, on record, or by phone.</p> <p>If the juvenile is not in custody, 7 days' written or record notice must be given to juvenile, juvenile's attorney, parent or guardian, and the prosecutor.</p>	<p>MCR 5.944(A)(4). <b>See Section 14.6</b></p> <p>MCR 5.920(C)(2)(a). <b>See Section 8.5</b></p> <p>MCR 5.921(A), 5.920(C)(1). <b>See Section 8.5</b></p>

**Table 1: Time and Notice Requirements in Delinquency Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Rehearings or Motions for New Trial</b>	<p>Written motion must be filed within 21 days after disposition or supplemental disposition. Court may entertain untimely motion for good cause shown. Written response must be filed with the court and parties within 7 days of motion.</p> <p>7 days' written or record notice to juvenile, attorney, parent or guardian, and prosecutor.</p>	<p>MCR 5.992(A) and (C). <b>See Sections 11.27(C) and 11.27(D)</b></p> <p>MCR 5.921(A), 5.920(C)(1). <b>See Sections 8.5 and 11.27(B)</b></p>

## 8.10 Table of Time and Notice Requirements in Designated Cases

The following table contains time and notice requirements only; for contents of notices, see the appropriate sections. To compute time periods, see MCR 1.108. For court holidays, see MCR 8.110(D).

**Table 2: Time and Notice Requirements in Designated Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Arraignment</b>	<p>If juvenile is in custody or custody is requested, arraignment must be held within 24 hours after juvenile has been taken into court custody, excluding Sundays and holidays. As soon as hearing is scheduled, notice must be given in person, on record, or by phone to juvenile and his or her parent.</p> <p>If juvenile is not in custody, arraignment must be held as soon as juvenile's attendance can be secured.</p> <p>Court may adjourn arraignment for up to 7 days to secure attendance of juvenile's parent, guardian, or legal custodian, or for other good cause shown.</p>	<p>MCR 5.951(A)(1)(a) and 5.951(B)(1)(a). <b>See Sections 8.5 and 16.10</b></p> <p>MCR 5.951(A)(2)(a) and 5.951(B)(2)(a). <b>See Section 16.11</b></p> <p>MCR 5.951(A)(1)(b), 5.951(B)(1)(b). <b>See Section 16.10</b></p>

**Table 2: Time and Notice Requirements in Designated Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Motion to Amend Petition to Designate Case for Criminal Trial in Family Division</b>	If a specified juvenile violation is alleged but prosecutor did not initially designate the case, prosecutor may amend the petition by right during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.	MCR 5.951(A)(3). <b>See Section 16.19(A)</b>
	If an offense other than a specified juvenile violation is alleged, prosecutor may amend the petition by right to request the court to designate case during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.	MCR 5.951(B)(3). <b>See Section 16.19(B)</b>
	If a hearing is required, 7 days' written or record notice to juvenile, attorney, parent or guardian, and prosecutor.	MCR 5.921(A), 5.920(C)(1). <b>See Section 8.5</b>

Table 2: Time and Notice Requirements in Designated Cases

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Designation Hearings</b>	<p>Hearing must be commenced within 14 days after arraignment, unless adjourned for good cause.</p> <p>7 days' notice of the time, date, and place of hearing may be given orally on record to juvenile and his or her parent, guardian, or custodian, the juvenile's attorney, and the prosecutor, or in writing, served on each individual by mail or other manner reasonably calculated to provide notice.</p> <p>The petition, or a copy of the petition, and a separate request for court designation must be personally served on juvenile, and if address or whereabouts known or discoverable by due diligence, parent, guardian, or custodian.</p>	<p>MCR 5.952(A). <b>See Section 16.20(B)</b></p> <p>MCR 5.921(A), 5.920(C)(1), and 5.952(B)(2). <b>See Section 16.20(B)</b></p> <p>MCR 5.952(B)(1). <b>See Section 16.20(B)</b></p>
<b>Preliminary Examinations</b>	<p>Examination must commence within 14 days of arraignment in a prosecutor-designated case, or within 14 days of court designation in a court-designated case unless the preliminary examination was combined with designation hearing.</p> <p>Examination may be adjourned for good cause. Finding must be made on the record.</p>	<p>MCR 5.953(D). <b>See Section 16.28</b></p> <p>MCR 6.110(B)(1). <b>See Section 16.28</b></p>
<b>Notice of Alibi Defense and Notice of Rebuttal by Prosecuting Attorney</b>	<p>Juvenile must file a written notice of intent to claim alibi defense within 15 days of arraignment, but not less than 10 days before trial; the prosecutor must file and serve a rebuttal notice within 10 days after receipt of notice, but not later than 5 days before trial. Court may alter time requirements.</p>	<p>MCL 768.20(1)–(2); MSA 28.1043(1)–(2). <b>See Section 16.35(A)</b></p>

Table 2: Time and Notice Requirements in Designated Cases

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<b>Notice of Insanity-Type Defenses and Notice of Rebuttal by Prosecuting Attorney</b>	Juvenile must file and serve notice of intent to claim insanity no less than 30 days before trial; the prosecutor must file and serve a rebuttal notice within 10 days after receipt of latest examination report, but no later than 5 days before trial. Court may alter time requirements.	MCL 768.20a(1), (7); MSA 28.1043(1)(1), (7). <b>See Section 16.35(B)</b>
<b>Trials in Designated Cases</b>	In all cases, prejudice to the defendant is presumed where delay between arrest and trial exceeds 18 months.	MCL 768.1; MSA 28.1024, and <i>People v Grimmett</i> , 388 Mich 590, 606 (1972). <b>See Section 18.6(B)</b>
<b>Motions for New Trial</b>	Motion must be filed within 42 days after entry of judgment of conviction.	MCR 6.431(A)(1). <b>See Section 18.9(A)</b>
<b>Adult Sentencing Hearings</b>	Court must sentence defendant within a reasonably prompt time, unless court delays sentencing as provided by law.  Presentence report must be disclosed to prosecutor, defendant, and defense counsel at a reasonable time before the day of sentencing.	MCR 5.955(C) and 6.425(D)(2). <b>See Section 20.15</b>  MCR 6.425(B). <b>See Section 20.14</b>
<b>Motion to Withdraw Plea After Sentence Is Imposed</b>	Defendant may file motion within the period for filing an application for leave to appeal, which is 12 months.  12-month period for filing an application for leave to appeal may be extended by certain events.	MCR 6.311(A), 7.205(F)(3). <b>See Section 17.16(A)</b>  See MCR 7.205(F)(4). <b>See Section 17.17</b>

**Table 2: Time and Notice Requirements in Designated Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Motion for Resentencing</b>	<p>Defendant may file motion within 42 days after entry of judgment of sentence.</p> <p>If defendant fails to file a timely claim of appeal, defendant may file motion for resentencing within the period for filing an application for leave to appeal, which is 12 months.</p> <p>12-month period for filing an application for leave to appeal may be extended by certain events.</p>	<p>MCR 6.429(B)(1). <b>See Section 20.46</b></p> <p>MCR 6.429(B)(3) and 7.205(F)(3). <b>See Section 20.46</b></p> <p>MCR 7.205(F)(4). <b>See Section 20.46</b></p>
<b>Annual Review of Delayed Imposition of Adult Sentence</b>	Court must conduct review annually. No notice or hearing is required.	MCR 5.956(A)(1)(a)(i). <b>See Section 21.2</b>
<b>Periodic Review Hearing of Delayed Imposition of Adult Sentence</b>	<p>Court may conduct a hearing at any time upon petition of institution or agency to which juvenile has been committed.</p> <p>Not less than 14 days before hearing is to be conducted, court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent or guardian.</p>	<p>MCR 5.956(A)(1)(a)(ii). <b>See Section 21.3</b></p> <p>MCR 5.956(A)(1)(b). <b>See Section 21.8</b></p>
<b>Mandatory Hearing to Review Delayed Imposition of Adult Sentence</b>	<p>Court must conduct hearing within 42 days of juvenile's 19th birthday, unless adjourned for good cause.</p> <p>Not less than 14 days before hearing is to be conducted, court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent or guardian.</p>	<p>MCR 5.956(A)(1)(a)(iii). <b>See Section 21.4</b></p> <p>MCR 5.956(A)(1)(b). <b>See Section 21.8</b></p>

**Table 2: Time and Notice Requirements in Designated Cases**

<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Final Review Hearing of Delayed Imposition of Adult Sentence</b>	<p>Court must conduct hearing not less than 91 days before the end of probation period.</p> <p>Not less than 14 days before hearing is to be conducted, court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent or guardian.</p>	<p>MCR 5.956(A)(1)(a)(iv). <b>See Section 21.6</b></p> <p>MCR 5.956(A)(1)(b). <b>See Section 21.8</b></p>
<b>Probation Violation Hearing in Designated Case Involving Delayed Imposition of Adult Sentence</b>	If a hearing is required, it must be conducted pursuant to MCR 5.944(C).	MCR 5.956(B)(3). <b>See Sections 15.7(B), 15.7(C), and 15.8</b>

## 8.11 Table of Time and Notice Requirements in “Automatic” Waiver Cases

The following table contains time and notice requirements only; for contents of notices, see the appropriate section. Also, only provisions applicable to cases involving juveniles have been included; provisions governing general criminal procedure in the Criminal Division are excluded. To compute time periods, see MCR 1.108. For court holidays, see MCR 8.110(D).

**Table 3: Time and Notice Requirements in “Automatic” Waiver Cases**

Event	Time	Notice
<b>Arraignment in District Court</b>	<p>The juvenile must be released if the arraignment has not commenced within 24 hours after arrest, or within 24 hours after the prosecutor authorized the complaint and warrant during special adjournment, if juvenile is detained in a juvenile facility.</p> <p>Prosecutor must make good-faith effort to notify juvenile’s parent.</p>	<p>MCR 6.907(A). <b>See Section 22.5(A)</b></p> <p>MCR 6.907(A). <b>See Section 22.5</b></p>
<b>Preliminary Examination in District Court</b>	<p>Court must conduct exam within 14 days of arraignment, less time used during special adjournment, up to 3 days.</p> <p>During arraignment, court must inform juvenile and parent, guardian, or adult relative, if present, of date of exam. If parent, guardian, or adult relative is not present, attorney for juvenile must advise them of examination date.</p>	<p>MCR 6.907(C). <b>See Sections 22.2 and 22.8(A)</b></p> <p>MCR 6.907(C). <b>See Section 22.8(B)</b></p>

**Table 3: Time and Notice Requirements in “Automatic” Waiver Cases**

<b>Event</b>	<b>Time</b>	<b>Notice</b>
<b>Trial in “Automatic” Waiver Cases</b>	Court must release juvenile within 7 days of filing of speedy trial motion if juvenile is detained awaiting trial for more than 91 days.	MCR 6.909(C). <b>See Section 22.9</b>
<b>Annual Reviews of Juveniles Placed on Probation and Committed to FIA</b>	Court must conduct an annual review. No hearing is required.	MCL 769.1(11); MSA 28.1072(11). <b>See Section 23.17(B)</b>
<b>Progress Reviews of Juveniles Placed on Probation and Committed to FIA</b>	<p>Court must conduct a review 182 days after entry of the order of commitment and semi-annually thereafter.</p> <p>No hearing is required, but court may not order more restrictive placement or treatment without a hearing pursuant to MCR 6.937.</p>	<p>MCR 6.935(B). <b>See Section 23.17(B)</b></p> <p>MCR 6.935(D). <b>See Sections 23.17(D) and 23.18</b></p>

Table 3: Time and Notice Requirements in “Automatic” Waiver Cases

Event	Time	Notice
<b>Periodic Review Hearing for Juveniles Placed on Probation and Committed to FIA</b>	On petition of institution or agency to which juvenile was committed, court may conduct hearing any time before juvenile’s 19th birthday or, if jurisdiction was continued, juvenile’s 21st birthday.	MCR 6.937(B). <b>See Section 23.20</b>
	Not less than 14 days before hearing, court must notify prosecutor, juvenile, agency or superintendent of facility to which juvenile has been committed, and (if addresses known) parent or guardian.	MCR 6.937(A)(1). <b>See Section 23.20</b>
<b>Commitment Review Hearings for Juveniles Placed on Probation and Committed to FIA</b>	Court must hold hearing within 42 days before juvenile’s 19th birthday.	MCR 6.937(A). <b>See Section 23.18(A)</b>
	FIA or agency, facility, or institution to which juvenile was committed must advise court at least 91 days before juvenile’s 19th birthday of the need to schedule hearing. Not less than 14 days before hearing, court must notify prosecutor, juvenile, agency or superintendent of facility to which juvenile has been committed, and (if addresses known) parent or guardian.	MCR 6.937(A)(1). <b>See Section 23.18(B)</b>

**Table 3: Time and Notice Requirements in “Automatic” Waiver Cases**

Event	Time	Notice
<b>Final Review Hearing for Juveniles Placed on Probation and Committed to FIA</b>	Court must conduct hearing not less than 3 months before the end of probation and commitment period.	MCL 769.1b(5); MSA 28.1073(1)(5). <b>See Section 23.19</b>
	Not less than 14 days before hearing, court must notify prosecutor, juvenile, parent or guardian (if addresses known).	MCL 769.1b(6); MSA 28.1073(1)(6). <b>See Section 23.19(A)</b>